

EXTENSIONS OF REMARKS

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1970

HON. MIKE MANSFIELD

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 21, 1970

Mr. McCLELLAN. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent to have printed in the Extensions of Remarks the expurgated transcript of the proceedings of the closed session of the Senate on December 15, 1969, which has been prepared under the direction of the Senator from Louisiana (Mr. ELLENDER), and that subsequently it be published at the appropriate place in the body of the permanent Record of December 15, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAOS

CLOSED SESSION

Mr. MANSFIELD. Mr. President, under rule XXXV, I move that the doors of the Chamber be closed and that the Presiding Officer direct that the galleries be cleared. Mr. President, I do so only to bring this matter to a head.

Mr. FULBRIGHT. I second the motion. The PRESIDING OFFICER (Mr. BAYH in the chair). The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant-at-Arms to clear the galleries, close the doors of the Chamber and exclude all officials of the Senate not sworn to secrecy.

(At 1 o'clock and 39 minutes p.m. the doors of the Chamber were closed.)

LAOS

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[No. 231 Leg.]

Aiken	Ervin	Mansfield
Allen	Fannin	Mathias
Allott	Fong	McCarthy
Baker	Fulbright	McClellan
Bayh	Goldwater	McGee
Bellmon	Goodell	McGovern
Bennett	Gore	McIntyre
Bible	Gravel	Metcalf
Boggs	Griffin	Mondale
Brooke	Gurney	Montoya
Burdick	Hansen	Moss
Byrd, Va.	Harris	Murphy
Byrd, W. Va.	Hart	Muskie
Cannon	Hartke	Nelson
Case	Hatfield	Packwood
Church	Holland	Pastore
Cook	Hollings	Pearson
Cotton	Hruska	Pell
Cranston	Hughes	Parcy
Curtis	Inouye	Prouty
Dodd	Javits	Proxmire
Dole	Jordan, N.C.	Ribicoff
Dominick	Jordan, Idaho	Saxbe
Eagleton	Kennedy	Schweiker
Eastland	Long	Scott
Ellender	Magnuson	Smith, Maine

Smith, Ill.
Sparkman
Spong
Stennis
Stevens

Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.

Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I further announce that the Senator from Washington (Mr. JACKSON) is absent because of a death in his family.

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, would the Presiding Officer read the names of those officials who will be allowed under rule XXXVI to be in the Chamber.

The PRESIDING OFFICER. Perhaps it would be appropriate for the Presiding Officer to read from section 2 of rule XXXVI which governs the question raised by the distinguished majority leader.

Section 2 of rule XXXVI reads:

When acting upon confidential or Executive business, unless the same shall be considered an open Executive Session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy.

Mr. MANSFIELD. Mr. President, are the majority and minority secretaries included?

The PRESIDING OFFICER. In the past the orders have been interpreted and expanded to include the majority and minority secretaries. The Senator is correct.

Mr. MANSFIELD. And the Parliamentarian and the Assistant Parliamentarian.

The PRESIDING OFFICER. They are covered by the previous order.

Mr. MANSFIELD. Mr. President, in addition to that, the joint leadership has asked the Parliamentarian for a memorandum on the question of the Official Reporters. On the basis of previous sessions, I ask unanimous consent that the Official Reporters be authorized to be present to take notes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that, at

the conclusion of the closed session, the transcript of the remarks of each Senator who participated in the proceedings be delivered to the Chief of Official Reporters; that the Senator shall have the right to revise his own remarks; that such Senator shall deliver his revised remarks to the Chief Reporter, who shall then deliver the transcript to the distinguished Senator from Louisiana (Mr. ELLENDER), as acting chairman of the Subcommittee on Defense Appropriations; that the expurgated version of these proceedings be prepared under the direction of the Senator from Louisiana, and that there be deleted from the transcript anything which might be classified; that such record of proceedings be made public by being printed in the permanent CONGRESSIONAL RECORD of the date on which they occurred; and that the Chief Reporter turn the shorthand notes of the Official Reporters over to the Secretary of the Senate to be kept in secret and not to be disclosed without leave of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, in addition to the persons authorized to be in the Chamber, I ask unanimous consent that the counsel to the Committee on Appropriations, Mr. William Woodruff, and the staff consultant to the Committee on Foreign Relations, Mr. Walter Pincus, be permitted to be present.

Mr. TOWER. Reserving the right to object, Mr. President, it would be proper to inquire as to the security clearance of the two staff members.

Mr. MANSFIELD. They have been cleared.

Mr. TOWER. They have been cleared? Mr. MANSFIELD. Yes, without question.

Mr. ELLENDER. Without question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, it is my understanding that one of the purposes of this closed session is for me to provide answers to the questions that were propounded by the distinguished Senator from Arkansas (Mr. FULBRIGHT) in his letter to the chairman of the Committee on Appropriations. I am prepared to proceed with this information. I ask the indulgence of Senators to listen to the questions and the answers as I shall read them.

Question No. 1: What treaties, agreements, or declarations provide the basis for our defense commitment and military assistance to the Royal Lao Government?

The answer is unclassified. It reads as follows:

The basic US policy towards Laos is that of support for its independence and neutrality. We have no written or oral defense commitment to Laos.

In 1962, the US and other parties to the Declaration of Neutrality of Laos, agreed to respect and observe the neutrality of Laos. Under Article IV, the parties undertake in

the event of a violation or a threat of violation of Lao sovereignty, independence, neutrality or territorial integrity, to consult jointly with the RLG and among themselves "in order to consider means which might prove to be necessary to ensure the observance of these principles." Past Royal Lao Government efforts to obtain consultation among all the parties have been unsuccessful.

After North Vietnam failed to respect the Geneva Agreements, by not withdrawing about 6,000 of their troops after signing the Geneva Agreements in 1962, the RLG in September 1962 requested the US to provide supplies and repair parts for US furnished equipment, training ammunition, and consumable supplies for national defense of Laos. This assistance is permitted under Article VI of the Protocol of the Declaration of Neutrality which states: "The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armament as the RLG may consider necessary for national defense of Laos, is prohibited."

In 1964, when NVN significantly increased its military support of the Pathet Lao and use of Lao territory to infiltrate men and material into South Vietnam, the RLG requested additional US assistance against this threat to its neutrality and territory. The RLG was fully within its rights to do so. In response to this request and to assist Laos in meeting this increased threat to its national defense created by communist aggression, we increased assistance to Laos. This increase in assistance was in a spirit of a response proportionate to the threat.

In sum, we complied with the Geneva Agreements. The North Vietnamese violated these agreements by (1) attacks against the Royal Lao Government (2) use of Lao territory to carry out aggression in South Vietnam. Our assistance to Laos has been limited and in response to North Vietnamese violation of the Agreements.

This assistance has been to preserve the independence of Laos, under the general precepts of international law which allow a nation to seek assistance in its own self-defense.

This is classified: [Deleted.]

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief interruption?

Mr. ELLENDER. I yield.

Mr. GRIFFIN. In response to several inquiries from Members, I wish to ask the Chair to state what the pending business is. The pending amendment has not been printed and is not available on the desk of each Senator. Therefore I think it would be helpful if the pending amendment could be read again.

The PRESIDING OFFICER. The clerk will read the pending amendment.

The legislative clerk read as follows:

On page 46, between lines 8 and 9, insert a new section as follows:

"Sec. 643. None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. The amendment has been offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Montana (Mr. MANSFIELD).

Mr. ELLENDER. I shall reread the classified portion of the answer to question No. [deleted].

Question No. 2:

Mr. FULBRIGHT. Will the Senator

yield for clarification, before he goes to the next question?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. Do I correctly understand from the Senator's statement that no treaty of any kind has been entered into and that no agreement of any kind has been submitted to the Senate authorizing these activities in Laos?

Mr. ELLENDER. I am just reading from the statement.

Mr. FULBRIGHT. Is that not clear? There is no treaty. Do they contend there is any agreement or treaty?

Mr. ELLENDER. It is in accord with the Geneva agreement.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Under the protocol of the Southeast Asian Treaty, Laos, Cambodia, and South Vietnam were brought under its umbrella. The proviso was that we would come to their assistance if they were attacked by Communist forces from outside. But it also said that any such move would be subject to due constitutional process.

Mr. FULBRIGHT. Did not Laos itself remove itself from under that umbrella?

Mr. MANSFIELD. I do not believe so. I think Cambodia did but not Laos.

Mr. FULBRIGHT. I think Laos did. They were trying after 1962 to establish a neutrality; so it would not be brought into this.

Mr. MANSFIELD. The Senator may be right.

Mr. ELLENDER. If the Senator has evidence to that effect, let him present it.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield. I was just trying to clarify the situation.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Louisiana has the floor.

Mr. ELLENDER. I yield so that the Senator from Idaho may propound a question.

Mr. CHURCH. If I correctly understood the statement the Senator read, the only formal obligation the United States assumed with respect to Laos—

Mr. GURNEY. Mr. President, will the Senator speak louder? We cannot hear him.

Mr. CHURCH. If I correctly understood the written statement which has just been read by the Senator from Louisiana the nature of the formal obligation assumed by the United States is to consult with other signatories to the Geneva Accord on Laos in the event of aggression. That is the only formal commitment.

The present activities in the nature of aerial sorties over Laos are in violation of the Accord. [Deleted.]

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CHURCH. I yield.

Mr. PASTORE. Did not the Senator read that all attempts at consultation were futile?

Mr. ELLENDER. Yes.

Mr. PASTORE. That we did try to consult and that this was all rejected?

Mr. ELLENDER. Yes, but I may state

this also. There is no question but that [deleted] these sorties were [deleted] for the purpose interdicting men and supplies coming down the Ho Chi Minh trails into South Vietnam. [Deleted.]

However, the Senator from Arkansas had extensive hearings on all this matter. If he has anything different from the answers I am reading it might be well if it were stated for the Senate.

(Subsequently, on December 17, Mr. MANSFIELD made the following statement, which by unanimous consent is printed in the Record at this point:)

Mr. MANSFIELD. Mr. President, on Monday, there was an exchange between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and me relative to whether the kingdom of Laos had renounced its adherence to the Southeastern Asia Treaty Organization, otherwise known as SEATO.

I indicated that I thought only Cambodia had stated it would not be under the SEATO umbrella and that Laos was still in that category.

Under the corollary to the SEATO agreement at Manila in 1953, I find that I was wrong and that the distinguished chairman of the Foreign Relations Committee was right and that in the Neutrality Agreement Laos did declare its intention to not recognize the protection of any alliance or military coalition including SEATO.

Mr. President, I ask unanimous consent that the Declaration on the Neutrality of Laos be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961-62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos, 'Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognize the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 3 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties that agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognize the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question;

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos will assist the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognize and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that

(a) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(b) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(c) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(d) they will not attach conditions of a

political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(e) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(f) they will respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO;

(g) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(h) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(i) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(j) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognize, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol

(a) the term "foreign military personnel"

shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(b) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(c) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961-1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(d) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961-1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible and arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defense of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and supervise and control the cease-fire in Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairman of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation

with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961-1962. The members of the Commission will work harmoniously and in co-operation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the

Conference in accordance with the provisions of this Article.

(a) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(b) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in subparagraph (c) below any local expenses not borne by the Royal Government of Laos.

(c) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairman shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

Mr. FULBRIGHT. [Deleted.]

I am not at this time saying we should not be doing this. I am saying it is being done without the knowledge of the Senate and it is being done without any authorization by the Congress. If it can be done in Laos there is no reason why it could not be done in Burma, Malaysia, Singapore, or anything else. It is the same general principle involved as was involved in the argument about the commitment resolution. That is, has this Government now got to the point where the executive branch is considered to be within its rights to undertake this kind of major operation without consulting Congress, without any specific treaty or other authorization. Actually what we are doing is against the agreement of 1962.

If the amendment offered by the majority leader and the Senator from Kentucky (Mr. COOPER) is adopted, and if it means anything significant, it means

that these air strikes cannot be continued. Some may think it has little meaning. I think it has. If it means anything of substance, it means that the strikes by our Air Force, working out of Thailand, must be stopped. If it does not mean anything at all and is an idle gesture, so be it.

What is important is that this question is not idle. It strikes me that if we expect to preserve our system of government, which every Senator is sworn to support, then we have to know, and we ought to know, what we are voting for when we vote vast sums.

The acting chairman specified the amount of money, \$90 million, for the Royal Laotian Army [deleted].

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. I yield.

Mr. MANSFIELD. First, the Meo group, under General Vang are, I believe, considered a part of the Royal Laotian Army, if my memory serves me correctly.

Second, both the Senator from Arkansas and the Senate as a whole are fully aware of my very deep personal feelings about our involvement in Vietnam and Southeast Asia. But I would point out that what we have seen is more than an eightfold increase, since 1962, of the North Vietnamese backbone, the Pathet Lao, from 6,000 to 50,000, or perhaps 55,000, North Vietnamese.

On the other side of the coin, in accordance with the Geneva Accords of 1962, we withdrew our military forces completely except for an advisory group representing the various services. Senators may recall also that in 1963, again if my memory serves me correctly, President John F. Kennedy then considered seriously the dispatch of a number of Marine units up to the Mekong because of a possible infiltration into the area around Vientiane to overthrow the Laotian Government and the further possibility of an overspill into Thailand which would then involve an ally of ours, an ally under the Southeast Asia Treaty Organization.

To look at it particularly, without any personal feelings, insofar as I can, if we were to take away this air support from the Royal Laotian Army and the Royal Laotian Government which is being furnished at the request of the Lao Government, it is quite possible that the 50,000 to 55,000 North Vietnamese who are in Laos, contrary to the Geneva accords—I think they were a signatory to those accords—would then find it easy to sweep down into the Mekong to take over the capitals of Luang Prabang and Vientiane. What would be our position if they got that far and they did not stop at the Mekong?

So, we are up against a delicate question. If we want this Government to survive—and we were a signatory to the Geneva accords—do we do it by letting the Pathet Lao take over, in fact annexing—letting the North Vietnamese take over with their Pathet Lao puppets, in effect making it a part of North Vietnam?

Mr. FULBRIGHT. I am not making an argument that we should—

Mr. MANSFIELD. I am just pointing out the possibility—

Mr. FULBRIGHT. I am not making an argument that we should retire. I say that we should know what actually is taking place.

Mr. MANSFIELD. All right. That is different.

Mr. FULBRIGHT. That is what I am trying to reveal—what is going on in Laos. If our interest in Laos is so great, why do we not just follow the usual constitutional procedures called for by such circumstances?

Mr. MANSFIELD. I understood the Senator to indicate that we should cut down on our support—

Mr. FULBRIGHT. I did not make any such indication at all. I am trying to have revealed what we are doing and why.

Mr. MANSFIELD. It is not secret. Everyone knows.

Mr. ELLENDER. Of course, all that has been said is tied in with the South Vietnamese war.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Montana made my point much better than I could myself with reference to the step-up in the bombing of Laos and especially of north Laos the stepup corresponds with the increase of the number of the North Vietnamese troops in Laos. It was to our interest to bomb those troops. It also is much more preferable to bomb them, than to send our men in there.

Mr. GURNEY. Mr. President, I thought the statement of the Senator from Arkansas just a moment ago was that if we agreed to this amendment it would then be illegal to do any more of the bombing and we would be out of business. That is the point at question here.

Mr. ELLENDER. We do not agree to that, but that is his interpretation.

Mr. FULBRIGHT. I said if it meant anything at all, it means the bombings in the north should stop.

Mr. GURNEY. It is a question of whether we should be doing it in the open, but the amendment would prevent it.

Mr. FULBRIGHT. It is not my amendment. It is the amendment of the Senator from Kentucky (Mr. COOPER) and the majority leader. I did not offer the amendment.

Mr. MANSFIELD. The amendment would not prevent it.

Mr. FULBRIGHT. If the amendment would not prevent the bombing, then it has no significant effect.

Mr. MANSFIELD. If the Senator would yield further, the important thing is to make sure that no combat troops get involved in Laos, and I mean combat troops on the ground. That is the danger. That is the great danger. That is what I thought the Senator from Arkansas was interested in.

Mr. FULBRIGHT. I do not see how military bombing is not combat. When you say "combat" I assume the Senator means infantry?

Mr. MANSFIELD. That is right.

Mr. FULBRIGHT. Ground troops.

Mr. MANSFIELD. Ground troops. But the use of the Air Force has been in effect to hit the North Vietnamese on the [deleted] and Ho Chi Minh Trail and elsewhere in Laos. That is really

nothing new. I do not approve of it. We have got to make the best of it and live with it.

Mr. FULBRIGHT. The Senator may know the situation but I did not know the situation on these bombings in the north. [Deleted.] I did not know it. I did not know apparently what the Senator knows about this operation. But I do not see, if this is in the national interest, why it is not open and public knowledge and we declare it to be in our interest to wage it in the usual manner. This is what I do not understand about this whole operation, and what the majority leader and others have said they regret. Nearly everyone that has spoken out recently has said that they think it was a mistake to become involved in Vietnam or, in this instance, in Laos. [Deleted.] This is escalating into a major operation. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. [Deleted.]

Mr. FULBRIGHT. [Deleted.]

I think we should know how much we are spending for this operation which is beginning to be a major war. To stretch the concept of the SEATO treaty into this area is a major expansion of it. I say, I see no reason why the administration could not apply this concept to anything it wanted to do in Burma or in Malaysia, or any other place, if they follow this style of operation. I think this is strictly against the constitutional system which Members of this body are supposed to support. Senators are supposed to know what they are voting for. [Deleted.]

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. STENNIS. I did not get to attend all of the Appropriation Subcommittee hearings this year. However, I want to refer to a point we had up when the authorization bill was before the Senate because it contained an item for \$2.5 billion, which was the sum finally agreed upon, for all of Southeast Asia, for special military aid.

We have been carrying on military aid in many forms since World War II. A very small sum of military aid is involved directly here. That goes to the Royal Laotian Army. That money was in the bill we authorized. It is not involved in the bombing.

I was asked in that debate if we had any military forces in Laos by the Senator from California (Mr. CRANSTON). His question was: Did we have any armed ground forces? I said no. We did not go into the bombing, [deleted].

Back to the money, in my best judgment, about \$94 million of this money is authorized in the authorization bill, where we had the Cooper amendment. I argued then that the Cooper amendment did not touch the money we spent on our own troops, whether it was in Laos or elsewhere. That is still my opinion.

A word on the merits of the bombing; this is one of the most effective things we have been able to do concerning the

war in Southeast Asia. It grew just like the war in Vietnam grew, a little at a time. We all know what the Ho Chi Minh Trail means and what it has meant. There is no way to estimate where we would have been in that war if we had not been able to do this bombing and inflict the punishment it caused, always at the request of the Laotian Government, as I have always understood it.

I do not think we could consider limiting the amount we have to spend on bombing there any more than we could limit it in South Vietnam, as long as we are at war. I think this amendment would be very unfortunate. It reads:

None of the funds appropriated by this Act shall be used for the support of local forces in Laos or Thailand except to provide supplies, materiel, equipment.

That raises a question: Could we give them battle support with our own Air Force?

If anything is to be adopted, it ought to be made clear that we are limiting the amendment to money support, not bombing support.

So far as I know, we do not have any ground troops over there, and never have had. [Deleted.] I mean fighting ground troops.

My additional point here is on the word "support." [Deleted.]

Mr. ELLENDER. Mr. President, I wish to further state, as I said a while ago, that we have had an interpretation of this amendment, and I am informed that the adoption of it would not prevent this bombing. That is why I suggested, in open session a while ago, let us adopt the amendment and let the conferees meet and get such information as they desire and look into the amendment further to clarify it so that, if necessary, these bombings can be continued.

Mr. GURNEY. Mr. President will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GURNEY. I am confused. I just heard the chairman of the Armed Services Committee say that, in his opinion, the adoption of the amendment would prevent the bombing.

Mr. ELLENDER. I received that information from [deleted], and the author of the amendment, Senator MANSFIELD.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Senator let me proceed to explain what I meant? I said unless we use the word "support," limit it to direct financial support, it would cut out the bombing, because "support" can be interpreted as bombing.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DOMINICK. I remember being at the White House in 1967—and I think the distinguished Senator from Arkansas was there at the time—

Mr. MAGNUSON. Mr. President, will the Senator yield to me for an announcement, without losing his right to the floor, for about half a minute?

Mr. DOMINICK. Surely.

Mr. MAGNUSON. Mr. President, we had called a meeting of the full Appro-

priations Committee for 2:30 p.m., to consider the HEW appropriation bill, but in view of the executive session, I think it would be wise for us to wait until we get through the executive session, and then we will meet downstairs.

I thank the Senator for yielding.

Mr. ELLENDER. Mr. President, I will yield to the Senator from Colorado in a moment. I would prefer that I be permitted to give these answers. That was the purpose of the executive session.

Mr. DOMINICK. Let me make a couple of comments here which are of interest. When we were at the White House in 1967, and President Johnson called us down in equal thirds on Monday, Tuesday, and Wednesday in 1967, I think the Senator from Arkansas was there. At that time a map was shown of Southeast Asia by Secretary McNamara, on which he had dots in Laos. Someone asked what those dots were. He said, "Those are the areas [deleted] we are engaged in bombing." [Deleted.] This was at the White House in 1967. I was there. We knew and I knew what was going on in Laos for a considerable period of time. I am surprised that the Senator from Arkansas apparently did not know but here is what bothers me about this amendment, and I wonder if I can address this to the Senator from Louisiana. If we have no combat troops there—and as far as I know, we do not have—and if we are not spending any money there for support of ground troops—and as far as I know, we are not—then it seems to me if we put in the bill a prohibition on the use of funds for troops when we do not have any there, all we are doing is raising a question in the mind of the enemy as to whether we are doing that and giving them one more propaganda weapon. That is the problem—not whether this affects the bombing, because I do not think it hits the bombing, but whether or not we are going to give the enemy one more item so they can take the ball, run with it, confuse our allies, and misinform some of our friends.

Mr. ELLENDER. I think the amendment is specific as to how the money is to be used. It states "except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces."

I think it is specific enough to indicate that this money will be used for supplies, materiel, equipment, and training of local forces.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TOWER. I think Senators must understand that all of Laos must be considered in context. They cannot separate southern Laos from northern Laos. The fact is that the Pathet Lao could not hold all of the sizable area they have if it were not for the 50,000 North Vietnamese troops. If the North Vietnamese did not have possession of north Laos, there would be no Ho Chi Minh trail. We must do anything we can to weaken the North Vietnamese efforts in Laos with reference to our own efforts. We must interdict what they use as a line of communication.

I am concerned that this measure

might indeed prevent our being able to airlift paramilitary forces around Thailand to help them deal with insurgent activity there.

I would point out that most of the Thai Communist infrastructure is not ethnic Thai, it is rather ethnic Chinese and ethnic North Vietnamese. Thailand is the target for the next so-called war of national liberation, and Laos is now being used as a staging area for Communist activity in Thailand.

I might further note that the Chinese are now building a road in northern Laos to aid in the establishment of a line of communication to make war against Thailand more feasible and possible. I think this is a very mischievous amendment indeed, and I would like the opinion of the Senator as to whether its enactment would preclude our support of paramilitary forces in Thailand.

Mr. ELLENDER. Mr. President, I have just read the purpose of the amendment, and in order to obviate this executive session we are now having, my suggestion was that we accept the amendment and let the conferees deal with it. The conferees will be able to get all the information possible, and the advice of the Defense Department. We are here trying to give the answers to questions that we have been asked by the Senator from Arkansas, and I was in hopes that we could go along with that. I hesitate to read tomorrow's newspapers and find out what is going to be in the newspapers about this session. It may be nothing new, but it will be sensational.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Just to go along with what the Senator from Texas was saying about the building of that road from Meng-La in Yunnan to Muong Soui, that construction has been going on for months and years, as a matter of fact. The Thai Government has said there are two divisions of Chinese troops along that road, and the road is being built toward northern Thailand. As a matter of fact, the road is not being extended except a mile or so out of Muong Soui toward Thailand, but it is being built in the other direction toward the direction of Dienbienphu in North Vietnam. There are no Chinese divisions there, according to Souvanna Phouma. In the last day or two, he stated there are five Chinese battalions, some labor and some antiaircraft battalions. As I said earlier, last August when I visited the area there were rumors that there were anywhere from three to 10 Chinese battalions. The best evidence is that there were four or five at the time.

Mr. TOWER. If the Senator will yield, I accept the Senator's statement that there were some antiaircraft and labor battalions there, rather than maneuver battalions but the fact of the matter is that not only is that road traversing across northern Thailand, but there is a spur that goes down toward the Mekong River under construction.

Mr. MANSFIELD. The Senator may be right, but I do not believe it is under construction. They stopped the construction going south and west toward the

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Thai border, and are concentrating on the area going east toward the road to Dienbienphu. That does not mean that they are not planning on going ahead and doing it, but they are not doing it now.

Mr. TOWER. That does not mean they cannot do it.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. So that we will know, when the Senator answers questions, what we are trying to legislate here, it is thought that the conference may deal with it, but if we agree to the amendment, we ought to know what we are doing. Therefore, I should like to address a question to the author of the amendment, or the Senator proposing it, as follows:

First, is this amendment intended to deal in any way with U.S. forces in combat?

Mr. MANSFIELD. It is intended to keep ground troops out of combat in Thailand and Laos.

Mr. JAVITS. Will the Senator point out the words in this amendment which would effect that result?

Mr. MANSFIELD. The words themselves, I think, are self-explanatory. It says:

None of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including the maintenance thereof, or to provide training for such local forces.

Mr. JAVITS. Are the local forces referred to American or indigenous forces?

Mr. MANSFIELD. They are indigenous forces, both Thai and Laotian.

Mr. JAVITS. Then there is no word in this amendment that deals with American forces at all?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. My second question is this: We understand what we are going to give them—supplies, materiel, equipment, facilities, maintenance and training. Now, what are we not going to give them by this amendment?

Mr. MANSFIELD. Ground combat troops.

Mr. JAVITS. American combat troops are ruled out; they are not provided for. But we are not going to give them money to engage in combat with or pay salaries of soldiers who fight?

Mr. MANSFIELD. Yes, we are; and that would be continued, because if we did not subsidize the Laotians, they would not last for a fortnight.

Mr. JAVITS. That is exactly what I am hoping we can reveal to the Senate, as to the meaning of the amendment.

Mr. MANSFIELD. That is common knowledge. If the Senator read the New York Times, from his own State, just a month or so ago it had a 2- or 3-page analysis of what was going on in Thailand and Laos. This is not secret; this is public information.

Mr. JAVITS. The Senator does not quite follow me. If we did pass this amendment, it would result in affirmative action that would cut off whatever we are paying, if we pay combat troops directly or indirectly; that is true, is it not, it

would cut that off? That is, indigenous combat troops, not our combat troops?

Mr. MANSFIELD. Well "including maintenance thereof"; I would not be able to define that. I would think that payment to the Laos soldiers to the partial extent not barred otherwise would be allowed to continue.

Mr. JAVITS. We would provide the supplies, material, equipment, facilities, and the maintenance thereof.

Mr. MANSFIELD. That is true.

Mr. JAVITS. That is very different from line troops; those are transportation forces, their equipment, et cetera.

Mr. MANSFIELD. The Senator had better go to Laos and see what kind of troops they have. They have not cut them down in divisions and outfits like we have; they are all combat troops, whereas about a fifth of ours are combat troops, and the others are support troops.

Mr. JAVITS. If the Senator will bear with me, what I am trying to get before the Senate is, if we vote for the amendment, is what we are doing affirmative or negative?

Mr. MANSFIELD. You would be voting for what is going on now, by reiterating, once again, as the National Commitments Resolution says, that under no circumstances except through due constitutional processes will there be combat ground troops of this country used in Laos or Thailand.

Mr. JAVITS. May I say to my beloved colleague, if that is in his amendment, then he is putting it in by the interpretation he is giving it. It is not there now. There is nothing in this language that will prevent American combat troops from being used; and the way the Senator defines it, there is something in here that prevents combat troops which are indigenous from being paid; and I think all the rest of these interpretations defy the words of the amendment as submitted.

One function we ought to perform is to find out what the majority of the Senate wants to do, and then be sure that the amendment we pass does it.

For myself, I would say if what you want to do is continue the present situation, you ought to have the words broad enough to continue it. Now that we understand what it is, that you want to keep American involvement out, then we ought to say at least something like that in the amendment, which I submit it does not say now.

Mr. MANSFIELD. The Senator is entitled to his opinion. I have stated what I think the distinguished Senator from Kentucky meant and what I think the amendment means, and we will have to let the Senate decide.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. May I address myself to our leader? I think the Senator from New York has performed a very valid task here. Do I understand, I ask the Senator from Montana, that the term "local forces" as used here eliminates all U.S. ground troops?

Mr. MANSFIELD. It does not elimi-

nate them and does not allow them. There are none there now.

Mr. ALLOTT. Since we do not include them, the term "local forces" does not include U.S. Government troops, and they are eliminated from this amendment?

Mr. MANSFIELD. That is correct. They are to be given no consideration at all, except to stay out.

Mr. ALLOTT. Then we are talking about maintaining the status quo. In line 4, the amendment says "including maintenance thereof," and that could include the payment of salaries and support to indigenous troops?

Mr. MANSFIELD. That is correct.

Mr. ALLOTT. Mr. President, with all due deference, I say to my beloved colleague that the way the amendment is written it says, "shall be used for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including the maintenance thereof." "Including the maintenance thereof" means the supplies, materiel, equipment, and facilities. And unless he writes an undisputed legislative record that this does include the payment of salaries, the amendment in my opinion cannot mean anything.

Mr. MANSFIELD. Mr. President, the Senator from Colorado, like the Senator from New York, is entitled to his opinion. I have given the Senate what I think is intended by the Senator from Kentucky and me. The Senate will have to decide.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. PASTORE. Mr. President, I think that this brings about an interpretation of the word "support." The Senator from Mississippi took the position that he would want it spelled out as financial support. I think that would distort the meaning of the amendment.

Why would it not be all right to say combat troops in front of support?

Mr. MANSFIELD. I would prefer to leave it as it is. If there were to be any changes, I would prefer that the Senator from Kentucky be responsible for them.

Mr. PASTORE. Mr. President, the reason I raise the point is because what we are talking about, as the Senator from New York indicated, is what we mean by support. Do we mean American combat forces? That is the support we are talking about. And yet, the word "support" is all-encompassing and could mean anything at any time to anybody.

The is the problem. What is meant by support? Does it mean American combat forces? Does it mean American money? What does it mean? I think we have to clarify it.

Mr. MANSFIELD. I have tried to clarify it. It means what is going on at the present time.

Mr. PASTORE. That is only part of the history, but not part of the amendment.

Mr. MANSFIELD. The Senator and I look at it in different ways.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GOLDWATER. Mr. President, I

should like to ask a question. Undoubtedly it has been asked and answered. However, I had to be absent earlier.

Would the amendment prohibit the use of tactical aircraft at any place in Thailand or Laos?

Mr. MANSFIELD. Unfortunately, no.

Mr. GOLDWATER. It will not prevent the use of tactical air support in Northwestern Thailand?

Mr. MANSFIELD. No.

Mr. GOLDWATER. Or in the southern provinces where it might be needed?

Mr. MANSFIELD. No.

Mr. GOLDWATER. Or, as they say, up in Central Laos, around the Plaine des Jarres?

Mr. MANSFIELD. No. What the Senator ought to keep in mind is that the point being made by the Senator from Arkansas, if I understand it correctly, is that there has been a tremendous step-up in the amount of activity [deleted].

[Deleted.]

Mr. GOLDWATER. That is largely where the support is.

Mr. MANSFIELD. That is correct, almost entirely.

Mr. GOLDWATER. None of our troops are engaged in active combat.

Mr. MANSFIELD. Not on the ground.

Mr. GOLDWATER. Is the Senator convinced that the language does not prevent the use of aircraft for tactical air support for reconnaissance flights and for rescue flights?

Mr. MANSFIELD. It would not prevent that, in my opinion.

Mr. GOLDWATER. I hope the Senator is right. Because I just returned from there this morning. And contrary to what we have been thinking, the infiltration has stepped up tremendously.

Friday night 600 trucks started in from the border of North Vietnam.

I am very frank to say, and I shall address myself to the subject later this week, that if we do not resume the bombing of North Vietnam, I see no way to come out on this.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McGEE. Mr. President, I think the dialog here in executive session makes the point that ought to guide us in what we do on the pending proposal. It is, that we should be reluctant to adopt the amendment because its meaning or intent is subject to too many interpretations. While the matter that concerns the Senator from Arkansas is a very understandable one, the pending resolution could not possibly clarify it.

Does it mean we are going into Burma or Malaysia without it? Hardly. We have made it clear downtown. And the Senate has made it clear before on how it relates to our present status in Vietnam. I think it has made it so clear that I believe we would be well advised not to proceed along the lines envisioned in the amendment at this time, particularly in a public way.

I think it would only tend to confuse or hobble our Government in its efforts to seek a meaningful and responsible way to disengage itself from Vietnam.

I think we have contributed in this

discussion to the confusion and that the confusion over the interpretation would run rampant at home, let alone around the world.

Mr. ELLENDER. Mr. President, I reiterated what I said awhile ago. The only reason I suggested that the Senate go along with the amendment was to obviate what is taking place now. Because, as far as I am concerned, I suggest that when the time comes, we vote it into the bill or out.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield first to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, the distinguished majority leader responded to a question by the Senator from Arizona and indicated his interpretation as sponsor of the amendment that the language was not intended to preclude certain bombing activities by our Air Force.

Mr. MANSFIELD. I said, unfortunately, no.

Mr. GRIFFIN. But I think in view of the fact that the Senator from Arizona came into the Chamber only recently, he should be aware of the fact that there is some dispute about the meaning of the words in the amendment.

As I recall, the distinguished chairman of the Foreign Relations Committee earlier indicated his understanding that the effect of the language would be to preclude such bombing. And as I understood the chairman of the Armed Services Committee, he said it could preclude such bombing.

Certainly, the remarks of the distinguished Senator from Wyoming (Mr. McGee) were very appropriate.

It is very obvious that there is confusion as to the meaning of the language. Accordingly, it would be ill-advised to agree to such an amendment.

Therefore I wish to associate myself with the remarks of the Senator from Arizona (Mr. GOLDWATER).

Mr. MANSFIELD. The war in Vietnam is very confusing and tragic in and of itself.

To get down to the nub of what our amendment purports to say—and I say this without fear of equivocation insofar as the Senator from Kentucky is concerned—there shall be the use of no U.S. troops in Thailand or Laos—period. You can wrangle all you want about maintenance of supplies. That is what it means.

Mr. GOLDWATER. Mr. President, I agree with my friend the Senator from Michigan. The word "support" taken in a military manner does mean help. It means everything.

I certainly abide by the word of the majority leader. However, when he says support troops in the military, that is exactly what it means.

If we deny support, then we deny tactical air bombing and supply and reconnaissance and all things we supply them there now.

If there is any question about this, I think it ought to be made perfectly clear in the amendment that the United States

is not going to be denied the right to supply aid to these people doing all of these things there now to help us.

I agree on keeping the ground forces out. I do not think they should have gone into South Vietnam. But they did. If we are ever threatened again in that part of the world, particularly in an area with the type of geography in northwestern Thailand and Central Laos, our troops are not equipped to fight there. And we cannot help unless we do so with tactical air, or possibly with strategic air. However, not at this point.

If we are going to vote on the amendment, I accept the word of the majority leader at any time. Inasmuch as there is a dispute between the majority and minority leaders as to whether it applies to air, I think we should make it clear.

Otherwise, we are going to pull the rug out from under some wonderful help in Thailand and Laos.

Mr. ELLENDER. It is not a matter of disagreement between me and the majority leader. He gave his interpretation [deleted].

Mr. GOLDWATER. The [deleted] agrees that support does not include technical or strategic or reconnaissance or supply by air?

Mr. ELLENDER. I said to the distinguished Senator from Montana—whether or not his amendment was in keeping with section 638(a) in the appropriations bill, appearing on page 43—and the answer was "Yes."

Mr. MONTROYA. Mr. President, will the Senator yield?

Mr. ELLENDER. As I have said, I should like to continue answering the questions and then have a vote on whether it is desired to have this amendment in the bill.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Idaho. He has been on his feet for some time now.

Mr. CHURCH. Mr. President, it seems to me that we are all agreed pretty much on what our objective is. The Senator from Montana has repeatedly mentioned it; the Senator from Arizona has emphasized it. I think we are agreed that what we want to prevent is the introduction of American combat troops into Laos and Thailand—ground troops. That is our purpose. We certainly should be able to write the language to put our purpose into effect.

Mr. GOLDWATER. Why do we not spell it out?

Mr. CHURCH. Of course.

Let me make this suggestion. There is no reason why this language cannot be made to conform to our objective. It is a simple objective. We have been through two wars—one in Korea and one in Vietnam—which were really commenced by executive decision. We are in a situation in Laos in which it took extraordinary efforts on the part of Congress even to get information concerning the nature of our involvement there. So if we are going to reassert our prerogative—which I think we all want to do—as a part of the constitutional process in determining questions of war and peace and the nature of the foreign policy of the United

States, we ought to draw some lines with respect to Laos and Thailand.

All we would have to do to accomplish that would be to revise the proposed amendment in the following manner:

Sec. 643. None of the funds appropriated by this Act shall be used to finance the introduction of American combat troops in Laos or Thailand.

I think that would accomplish our objective.

Mr. FULBRIGHT. "Ground."

Mr. CHURCH. We could put "ground" in. That would accomplish our purpose, and it would reassert our right to determine how public money should be used in foreign countries, particularly in so sensitive an area as Laos and Thailand.

I should like to offer this as an amendment to the amendment offered by the Senator from Montana and the Senator from Kentucky.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, please?

Mr. MONTTOYA. Mr. President, I should like to ask—

The PRESIDING OFFICER. Will the Senator from Louisiana indicate whether he has yielded for the purpose of an amendment being offered to the amendment?

Mr. ELLENDER. First, I will yield to the distinguished Senator from New Mexico, and then I will continue with the answers to the questions submitted by the Senator from Arkansas. If Senators desire to take action immediately on this amendment, we can do so shortly.

Mr. MONTTOYA. I think there is unanimity here, in that there is confusion about what this amendment means.

I was going to ask the majority leader, in view of his interpretation, if he would consent to the following language in his amendment, so that it would read as follows:

None of the funds appropriated by this Act shall be used to provide combat troops for the support of local forces in Laos or Thailand, except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, or to provide training for such local forces.

The words added to the amendment would be after the word "used," and the new words would be "to provide combat troops."

Mr. ELLENDER. "Ground."

Mr. MURPHY. "Ground troops."

Mr. MONTTOYA. "Ground combat troops" could be used, or "combat troops." "Combat troops" is a more generic term.

Mr. CHURCH. Mr. President, if we took 5 minutes for a quorum call, I am sure we could work out language satisfactory to all concerned.

Mr. ELLENDER. Mr. President, we are in executive session now, at the request of the distinguished Senator from Montana and the distinguished Senator from Arkansas, and I will not yield further until I have finished with the answers to the questions of the Senator of Arkansas.

Mr. AIKEN. Mr. President, will the Senator yield for a brief question?

Mr. ELLENDER. I yield.

Mr. AIKEN. Mr. President. I have a brief question. Now that so many Members of the Senate have decided that the majority leader does not know what he means with his proposed amendment, will the Senator from Louisiana proceed with his explanation, as he started to do? That is my question.

Mr. ELLENDER. Question No. 2: "What commitment, written or implied exists between the United States or its agencies and the present Royal Laotian Government or its Prime Minister, Souvanna Phouma?"

This question was answered in my reply to question No. 1.

Question No. 3: "What military assistance, including manpower, material, and training, is the United States providing through this bill?"

As I stated previously, this bill includes approximately \$90 million for the support of the Royal Laotian Army pursuant to specific authority included in the Department of Defense Procurement and Research and Development Authorization Act. The arms and ammunition the United States provides are within the framework of the 1962 Geneva Agreements. Article VI of the Protocol to the Agreements permits the introduction in Laos of armaments, munitions and war materials necessary for Lao national defense.

[Deleted.]

I have here a list of what this money is to be used for. If Senators desire, I can go into every item named here. Otherwise, it is available to Senators to look at.

Mr. FULBRIGHT. Mr. President, will the Senator yield, for clarification?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. The Senator said it is approximately \$90 million for the Royal Lao Army.

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. [Deleted.]

Mr. ELLENDER. That is in another matter. As I said to the Senator from Arkansas earlier, this is an item that cannot be identified.

Mr. FULBRIGHT. I want to reiterate, since more Senators have entered the Chamber, that I do not at this time raise a question as to the wisdom of these activities. I raise the question only that Senators ought to know what they are voting on.

Mr. President, it seems to me that every Senator is entitled to know, if he is voting for this bill, that he is not only voting \$90 million for the Royal Lao Army [deleted].

The Senator from Arizona, a moment ago, made a point which led me to believe he would be in favor of authorizing these activities. If they are in the interest of this country why must they all be kept secret? The only reason in the world I brought up this matter was not to argue with the Senator that we should not be bombing in the north [deleted] but so that Senators would know, among other things [deleted].

These [deleted] are as much as the entire budget of the country of Laos. It is approximately the same as the budget of the Laotian Government.

After Senators know all these things, judgment must be made on whether it is

in the interest of the United States to continue this escalation of a conflict in Laos, which could well lead to another Vietnam.

A few Senators have said it is a great tragedy. We have gotten bogged down in Vietnam. It is simply that we should know what is involved in this matter. I do not understand, in view of what was said by the Senator from Arizona, why it is not also proper to say, "Yes, this is what we are engaged in, and it should be authorized."

Mr. ELLENDER. The Senate now knows it, since the Senator announced it.

Do Senators desire me to read how many rifles are involved?

SEVERAL SENATORS. No, no, no!

Mr. FULBRIGHT. Summarize it. What is the material?

Mr. ELLENDER. What is the money for? It is going to be used to purchase carbines, rifles, machine guns, artillery, and engineering equipment. It states the amount to be spent in each category. Approximately one-third of the total is for ammunition.

Question 4: As of today, what is the total number of U.S. military personnel in Laos and describe the manner in which they operate?

Answer: There are [deleted] U.S. military personnel stationed in Laos. These are either part of or attached to the attaché staff. [Deleted.]

With regard to personnel stationed in Laos, the U.S. Ambassador has jurisdiction over all U.S. personnel and U.S. activities in Laos, including the military I just mentioned.

Question 5: Describe in detail activities over Laos of U.S. Air Force, including both those activities, if any, based in Laos, and those, if any, based in Thailand.

(a) What, if any, is the current monthly sortie rate over northern Laos for U.S. Air Force aircraft?

(b) How does that rate, if any, compare to one year ago and two years ago?

(c) The contemplated sortie rate, if any, over northern Laos in the coming 12 months?

(d) How do these sortie rates, if any, compare to U.S. Air Force sorties directed toward the Ho Chi Minh Trail?

Answer: The U.S. conducts photo and recon missions over Laos, and as the President said, interdiction of the Ho Chi Minh Trail.

(Deleted.)

Question 6: What, if any, have been the total number of U.S. military personnel killed, wounded, and missing in North Laos since 1962?

Answer: (Deleted). Casualties in Laos are included as part of the total casualties in Southeast Asia. They are not broken out separately.

Question 7: How does this compare to personnel lost in operations solely against the Ho Chi Minh Trail?

This was covered in my reply to question number six.

Now, Question 8: What is the amount of the personnel, operating and maintenance and military assistance which is included in this bill for Laos and Laos related activities?

Answer: Approximately \$90 million is included in fiscal year 1970 Appropriations Bill for support of the Royal Laotian Army.

(Deleted.)

That is all the questions.

Mr. McGEE. Mr. President, I think that—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Wyoming?

Mr. ELLENDER. I yield.

Mr. McGEE. Mr. President, I think that our discussions here have reiterated the point which I make again; namely, that there is great uncertainty as to what we can put into words. The meaning of those words will vary widely, and it seems to me, in reflecting upon them, that all it can do is to complicate the problems of the President, as he seeks to pursue disengagement. It could even give the wrong impression to the other side at a critical moment like this.

Therefore, to try to protect as much as we can, I would move to table—

Several Senators addressed the Chair.

Mr. MANSFIELD. No, no—just a moment—Mr. President, if we are going to vote, we should vote in open session. I intend to be heard on it. There will be no tabling motion, or any other kind of motion, in secret session.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wyoming will state it.

Mr. McGEE. Is a tabling motion in order?

The PRESIDING OFFICER. A tabling motion is in order if the Senator from Louisiana (Mr. ELLENDER) yields the floor or yields for that purpose.

Mr. ELLENDER. Mr. President, I yielded to the Senator from Wyoming for a question. However, I have nothing further to state, unless there are other questions to be asked.

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. I think that we should have our votes on this matter in public, that we should not evade the issue, that we should face up to it. Senators will recall during the last executive session that this matter came up and we decided to vote in public.

Let me refer to what the distinguished Senator from Kentucky said when he introduced practically this same amendment in September of this year, an amendment which was agreed to by the distinguished Senator from Mississippi (Mr. STENNIS) the chairman of the committee, and the Senate as a whole.

Mr. STENNIS. Mr. President, will the Senator from Montana yield at that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. On the basis that it did not apply to the funds in the bill then being considered.

Mr. MANSFIELD. That is correct. But let me read what the Senator from Kentucky said in his letter to all Senators on September 15:

I will introduce the enclosed amendment, or one substantially similar on September 17 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a

domestic war in Laos and Thailand, without the authority of the Congress.

And then he enclosed a copy of his proposed amendment, which is almost similar to the amendment now before this body.

At that time, in explaining his amendment, he said:

My amendment is designed to prohibit the use of our Armed Forces in combat support—in combat support of local forces in Laos or Thailand and to keep them out of situations in which they might become engaged in combat which could lead into war in Thailand or Laos as it did in Vietnam. The language means our forces cannot be used in combat in support of local forces unless an emergency arose where the President's constitutional authority would come into play except by joint authority of the Executive and Congress.

Thus, I think, despite the fact that there is a certain amount of confusion, the Cooper amendment speaks for itself. I do not think it needs any change. The intent is clear, not only at this time but during debate on the authorization bill, and I would hope it would be accepted so that this Congress could go on record once again as backing up the national commitments resolution which it passed some months ago.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York (Mr. JAVITS) is recognized.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I think the distinguished Senator from Montana knows exactly what the amendment means. It means that we will permit our Government to continue doing in Laos what it is doing now, but would prohibit the start of another Vietnam war in that area.

I believe, further, that the vote on this amendment will be interpreted by the country as a decision that we are supporting President Nixon's efforts to withdraw honorably from Vietnam and de-escalate out forces, as he is doing already.

Mr. JAVITS. Mr. President, I should like to have a word—and I shall be happy to yield to the chairman. The words of the amendment are confusing. The words will not do what the majority leader says he wishes them to do. But the words can be changed.

I would propose, if we have the opportunity to propose, how the Senate can work its will if it wants to do what the Senator from Montana says the amendment does. It does not do it.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. The Senator from New York was on the floor of the Senate when the Senator from Kentucky (Mr. COOPER) offered this amendment in September. The Senator from New York did not raise an argument then. The amendment was spelled out then; it is spelled out now. It is practically the same amendment which we are considering at this time.

Mr. JAVITS. I do not know whether

I was on the floor of the Senate or not. I hope the Senator will not be upset with me. I am trying to help the Senator to accomplish what he desires, in a way in which the Senate can legislate with dignity. I am not trying to cross him at all; I am trying to be helpful.

This must be done here; it cannot be done in public. [Deleted.]

He merely wishes to inhibit two things, as I understand: first, the use of American combat troops; second, the support of local troops other than in respect to logistics and training. That can be accomplished with words, retraining intact the right to bomb from Thailand and from South Vietnam, and to inhibit the use of American combat troops in Laos.

But I respectfully submit that these words—whether I was on the floor of the Senate then or was awake or asleep—do not do that. They do not have anything to do with combat troops, but deal only with the use of these funds for the support of local forces and how they shall be managed.

Second, this is a real constitutional test. This is the first time we are trying to match the power of the Senate with the power of the executive. We have got to make both work, because we will not retain our power unless we make them work.

The commitments resolution says that we may act either by a declaration of war or by a concurrent resolution. As to Southeast Asia, we have acted by a joint resolution—the Gulf of Tonkin resolution. That resolution is simple enough in its words to qualify under the commitments resolution. It lets us do everything we want to do in Laos and Thailand as well as in South Vietnam.

Now what we are trying to do is to limit that resolution to some extent, which I think, as I understand, is right and important to do in an appropriation bill, unless we want to repeal the Gulf of Tonkin resolution altogether.

Therefore, if the opportunity presents itself—and I hope very much that the Senator from Wyoming (Mr. McGEE) will not press his motion to table—I shall seek to modify, with all respect to the Senator from Montana (Mr. MANSFIELD) and the Senator from Kentucky (Mr. COOPER), so that the Senate may know what we are doing.

I shall move to amend the proposal to read as follows:

None of the funds appropriated by this act shall be used for ground forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, for the support of local forces or to provide training for such local forces.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. The thing that frightens me about this amendment is this: Are we not inducing and encouraging North Vietnam to intensify its infiltration in Laos to the disadvantage of our plan to withdraw troops from South Vietnam?

On second reflection, after reading the amendment of the Senator from Montana very carefully and listening to his explanation, I think we should

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either accept his amendment or do without his amendment, because if we become too clear, I am afraid that all we are going to do is to hint to our enemy to the extent that he will intensify his infiltration in Laos, and thereby disrupt the President's plans to withdraw troops from South Vietnam.

We all know that is what we mean. The Defense Department knows what we mean. We have been assured time and time again that they do not intend to use combat forces. We recognize the fact that they are not using combat forces in Laos. Therefore, why do we not let that stand there and rely on one another's integrity, rather than put ourselves in the position of encouraging the enemy to intensify the infiltration because they know what we are going to do?

Mr. JAVITS. We have already in the sense used by the Senator encouraged the enemy by what we have done, all they need to be encouraged, by everything we are doing, including with our own forces reductions in Vietnam. We are not going to give them any more signals that we do not intend to intensify the war.

Now we are looking into our own situation. We do not want to get into another situation where, without our knowing—and Senator Fulbright is right—a lot of things get done, and then they are fails accompli, whether we like it or not.

I am not going to go into the details of how the Gulf of Tonkin Resolution was recommended and discussed, and how it was used, and the toll in lives as a result.

I will say this to the Senator from Montana: I will offer no amendment unless he wants it, but I am telling him that the words he has proposed do not do anything like he has in mind to do; but if he wants it that way, I will leave it that way.

Mr. MANSFIELD. I disagree.

Mr. FULBRIGHT, Mr. President, the purpose of my submitting the questions I did to the chairman of the Appropriations Committee was simply, as I will state once more, to have this matter discussed so Members of the Senate know what they are doing. In effect, we are spending, if I understood the figures in answer to my question [deleted].

About [deleted] we are spending in a different war going on within Laos between the Royal Laotian Army, the Pathet Lao, and whatever troops the North Vietnamese have infiltrated there, which are estimated to be about 50,000.

[Deleted.]

I do not see any reason why this should not be authorized if it is in our interest. I do not believe it is. If I understood correctly from the remarks of the Senator from Arizona, he may not agree with that. I do not want to put words in his mouth, but he believes this is of such a nature that we ought to do it.

This is not anything new. The origin of the war is not attributable to this administration. This is no partisan effort to pin anything on this administration. It is a question of the role the Senate plays in matters of this kind.

I shall not reiterate what happened on the Gulf of Tonkin resolution. I had a

part in that, and I am not proud of having been taken in by the then administration and, in my view, deceived. In not having asked the kind of questions we are asking here today, it is possible that that experience has made me more sensitive to being deceived by any administration than I otherwise would have been.

I think it is important that Members of this body who have to explain this to their constituents at least know what they are voting for. It might be embarrassing to any Senator if he is not aware of the war in Laos to have someone say to him, "I have a friend whose son was killed in a bombing raid over North Laos." As a matter of fact, I had, in my prepared statement, excerpts of letters from members of families where sons had been flying over North Laos. One of them is from a wife of a soldier who has not returned. These are letters that came to me as a Member of the Senate. They are not classified. I was intending to read them in open session, but we went into Executive Session before I could. I will put them in the Record after we are back in open session.

We ought to know about this, the size of it, and also whether it is in the national interest. I think it is a question we have to raise.

But that is not the question I was trying to solve in Executive Session. I was simply trying to make every Senator aware of the kind of actions we are pursuing, and then we can draw our own conclusions as to whether or not, in continuing to escalate this activity as we have since the beginning of the year, we are running the risk of another Vietnam, of going far beyond the intentions, I believe, of the present administration.

We are led to believe—and I believe—the figures about the deescalation in Vietnam, but I have seen very little published on this matter in Laos. Some persons say this has all been in the papers. I have never seen much of it in any newspaper.

In some of the testimony, when we asked this question of our Ambassador [deleted].

This practice as between the legislature—the Senate—and the Executive, with respect to our Ambassador [deleted] is an unacceptable practice. I have been in this body 25 years, and 2 years in the other body, and I have never before heard an Ambassador tell the committee that he cannot talk about [deleted], under instructions. He said he had been instructed [deleted].

I have never heard before any ambassador take such a position.

Recently, the fifth amendment was taken by Army officers, but that is also less unprecedented. Here we had [deleted].

This again indicates a certain attitude on the part of the executive branch—and I do not say it is just this Executive, but the previous administration, too. As a matter of fact, Mr. Katzenbach went further than anybody had ever gone before in denigrating the role of the Senate in the whole matter of foreign relations, especially the war power.

I thought it was my duty to raise this question. The central question is whether

this body had a right to know what it is voting on. This is an appropriation bill. We are appropriating at least \$400 million, which I do not really believe is authorized, because it is very far removed from the activities in Vietnam, and I believe that as to Laos, we are violating the 1962 convention. I do not believe that it is acceptable; I do not believe it is, in international law, that if someone else violates the laws, you are also entitled to do it. You are in a case of genuine self-defense. If this was a threat to the security of this country, of course, we would be entitled to defend ourselves. It is quite a different international question, to maintain that we are entitled to [deleted] against an enemy in northern Laos, when the situation in Laos has very much the aspect of a civil war.

The war in Vietnam began, before we ever had any combat troops there, as a civil war. Once we entered it with combat troops in the Kennedy administration, then it became an international war. But I believe most people would agree it was a civil war until we did send combat troops into South Vietnam.

In Laos, we do not yet have ground combat troops, I would certainly support and do support the objective of the amendment of the Senator from Kentucky and the Senator from Montana that we do not want to put in ground combat troops. I do not want to continue the activities of bombing without our knowledge or authorization. If we wish to authorize it, that is another matter.

I would close with this thought: It is not only the secrecy in Laos. We run into the same thing in the Philippines and Thailand. [Deleted.]

I do not see that that is a good excuse. Recently, in the Philippines, we found they do not wish to make public the agreements that have been made, by which you use your constituents' money and the prestige of this country in an agreement with the Philippines as to what we pay for their troops.

It has been said here that it is much better to hire troops than to send our own boys. Well, it may be, especially if the war is not in your national interest and not in defense of your own country. Whether or not it is a proper policy to hire troops to go fight anywhere around the world where your true interests are not involved, and you make a mistake—which Vietnam has generally been agreed by many Senators to be—is quite another matter from defending your own homes.

But in any case, in conformity with the hearings conducted by the Senator from Missouri—and I am very sorry he is not here, but he has to be away because his wife has been very ill—the only reason I brought this up, and I think he would have if he had been here, is to make the point that we run into this attitude on the part of the Executive that these matters are not the affair of the Senate, that we are not entitled to know what is going on and where vast sums of money are being spent, that it is a secret matter, so secret they cannot even tell the Senate.

That is the essential reason why I thought this discussion was in the national interest.

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Mr. CHURCH. Mr. President, will the Senator yield to me for a question?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. I think we are all agreed that the Senate ought to exercise its constitutional responsibility as intended by the commitments resolution. The Senator remembers the Gulf of Tonkin affair, as well as anyone in this Chamber. Is it not true that, at the time, we acted in the context of a situation in which we were told that American destroyers had been attacked on the high seas, and that certain retaliatory strikes had been made by our Navy in response? Thereupon, we hurriedly passed a resolution authorizing the President to take whatever action was necessary in Southeast Asia to protect the interests of the United States.

We did not draft that resolution with sufficient precision, and afterward we learned that the resolution was being used by the President as justification for sending half a million American troops into a gigantic ground war in Vietnam.

Now we face the first opportunity, today, to reassert the constitutional responsibility of the Senate in compliance with a resolution we passed earlier in the session, and the question is, Are we going to assert our authority to protect this country from involvement in another Vietnam, in Laos or Thailand, without the consent of Congress?

The language with which we are presented is just as imprecise, if not more so, and much more ambiguous, than the language we used in the Gulf of Tonkin resolution.

I think if we are to assert our responsibility we should do so in clear and precise language. That is the lesson of the Gulf of Tonkin resolution; and, in the face of that lesson, we certainly ought not to be content with language as vague and ambiguous as that contained in the amendment offered by the distinguished majority leader. I would implore him to consider some revision of that language which would make it perfectly clear that we are undertaking to restrict the use of the money in this bill to bar the financing of American ground troops in Laos and Thailand. I think the language can easily be made perfectly clear, and if we are going to speak at all we should not speak in an ambiguous way, but in a way that makes it clear, not only to us, but to the President and everyone concerned, just what we mean.

On this basis, I ask the majority leader to reconsider the language in the amendment he proposes. I want to support it, but I do think it does not carry out the intent he wishes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator.

Mr. MANSFIELD. Mr. President, there was nothing ambiguous about the language in the Gulf of Tonkin resolution, nothing ambiguous at all, and maybe there is a point to be made in not being too clear in what you write down, but in following out the intent as expressed at the time.

The distinguished Senator from Kentucky knew what he was doing, and he

studied this language. He made its intent clear during the time that the authorization bill was before us for consideration; and I have tried to make it as clear as he did last September.

I would point out that you can make language so clear that, in becoming clear, you become involved in places like Laos and Cambodia on a ground combat basis.

There is no question as to what the intent of this "ambiguous language" is. I do not think I could change it. I am certain the Senator from Kentucky would not. I think this is a good amendment, is in accord with the national commitments resolution, and is certainly far more effective, I think, from a senatorial point of view, than the Tonkin Gulf resolution was. We got taken in by that, but we will not get taken in by this.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I shall yield further in a minute.

It is true that the language of the Gulf of Tonkin Resolution was not ambiguous. What was ambiguous about that proposal was, first, that the representation about what actually had happened in the Gulf of Tonkin actually was not true, and second, that the President stated clearly that the purpose was not to widen the war, not to bring in North Vietnam. He was of the view, and all of the administration spokesmen were, that if we would show unity, and do it quickly, the resolution was designed to prevent any widening of the war, or any further belligerent activities on the part of North Vietnam. I would say that the committee and, through the committee, the Senate, was deceived.

Mr. HOLLAND. Mr. President, I certainly agree with the motives of the distinguished majority leader. I think he has made those motives clear. He wants to prevent our involvement, or Senate approval of our involvement, in any ground war in Laos.

However, I agree completely with the Senator from New York that the wording of the amendment, which I understand is really the wording of the Senator from Kentucky, does not limit itself to that purpose or that motive.

I noticed, and I hope the majority leader will follow me, that when he read the two excerpts from the statements of the Senator from Kentucky in September, when we were debating the authorization legislation, that neither of those statements applied only to the Armed Forces which are used on the ground. They might be interpreted just as clearly as referring to the Air Force. The Senator from Arizona has already made it entirely clear that we are using the Air Force over Laos [deleted], and that we are continuing to so use them and will continue to so use them.

Mr. President, I was hoping that we could find words here to make the amendment apply only to any use in the future, or at any time, of ground forces there without the concurrence of Congress.

Mr. President, I find, however, that those on the committee, several of them, feel that if we used those limiting words and made it clear that we were talking only about the use of ground forces and were preventing or prohibiting the use

of ground forces there, we might, as stated by the Senator from Rhode Island, be simply inviting ground infiltration of larger numbers of ground forces from North Vietnam and perhaps even from Red China.

So it seems to me, reluctant as I am ever to vote for the laying on the table of a well-intended amendment—and particularly when it comes from the majority leader—it seems to me that is about the only thing we can do.

I might say if we agree to the amendment as it is now, when it certainly relates and can be held to relate to the Air Force as well as to the other forces, because it says, "none of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand" that it does not limit itself to ground support.

It does include, by possible, and by reasonable interpretation, the Air Force. And if we should agree to an amendment in those words and the Executive would continue to use the Air Force as it is now used, I think it would be interpreted by many editorialists and fine citizens from one end of the country to the other as meaning that the President was violating the decision of Congress as written into the act.

It seems to me that we are caught in a situation under which we can do little else except lay on the table the amendment.

I fully agree with the Senator from Montana that the action shall be taken in a public meeting. I have no feeling that that should not be done.

Mr. MANSFIELD. It will be.

Mr. HOLLAND. However, my feeling is that that is the only thing we can do, unless we are permitted to limit this to the prohibition of the use of ground forces in Laos. And there seems to be substantial reason why we cannot so limit this amendment.

I regret that we are in this position. I regret that the Senator from Kentucky cannot be here. I appreciate the loyalty of the Senator from Montana in trying to stand by the amendment of the Senator from Kentucky. However, I do not believe the amendment is limited to what the distinguished Senator from Montana would like to limit it.

And being in a much more general condition, I do not think we should adopt it at this time. I feel that it should be laid on the table.

Mr. McCLELLAN. Mr. President, I should like to address a question to either my distinguished colleague, the chairman of the Committee on Foreign Relations, or to the leadership, whichever one might be willing to answer it.

I am concerned, and have been all along, about all of the actions we take that put us in an apologetic position in world opinion and esteem with respect to the war in Vietnam.

It seems to me that for a long time about all we have been doing is giving encouragement to the enemy. I say that in all deference.

If we are going to pull out unconditionally, then let us pull out and get it over with. I am persuaded that what we are doing is slowly and maybe painfully—maybe that is what we intended

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to do and will do ultimately—turning over Southeast Asia to whoever wants to grab it up—and I think we know who will grab and subvert it.

Aside from that, I point out before I propound the question; that I think we should have learned our lesson. I seldom talk about this issue. However, I think we should have learned from our experience in South Vietnam and in South Korea that we should never go into another war, with ground troops or otherwise, except that we go in to win.

I think that has been our tragic mistake and that if entering the Vietnam war was a mistake, then our not fighting to win has compounded that mistake.

We have telegraphed from our Government to the other side the message we do not want to win a victory, rather that we are just begging the other side to quit.

That strategy has not worked. It will not work, in my judgment.

If we are to give another signal with this resolution, it will avail us nothing. As now written, this proposed amendment can be interpreted as one chooses. As has been indicated in this debate, the leader can interpret it as he wants to. I can put a different interpretation upon it. And so can anyone else. It is very ambiguous. However, the best way to approach this, if that is what we want to do—and I am perfectly willing, because I do not think the President should commit ground forces there without the consent of Congress—would be for this body to have an understanding with the President that he will not do it. That, it seems to me, would be sufficient. If he gives us his pledge that he will not do it without coming to Congress, I will take his word for it. He is the President of the United States, and there is no reason for any of us to doubt his good faith and assurances.

If we do that, we will not need the pending amendment in the form in which it is offered. I cannot vote for it in the form in which it is offered. If there are certain modifications made and the matter comes to a vote, I will vote for it.

But I doubt the wisdom of this procedure.

Many things we have done publicly have not been a credit to, or in the interest of our country. I do not blame the other side for not negotiating. Why should they? They appear to be getting what they want without making any concessions. If we keep going as we have been, unless it is possible to so effectively Vietnamize the war that the South Vietnamese can take it over and win, the Communists will soon take over South Vietnam.

I for one, would like to know that Congress will be consulted before ground troops are committed, and I do not know of anyone that does not want to know. Perhaps I am mistaken, but I think that is a sentiment of the Senate. Why not do it by taking the word of the President and relying upon it?

We can always take action if we need to do so. However, I would rather do it that way than to signal again to the other side that our country is divided and will become further divided; that

we continue to fight among ourselves and that some want to give the enemy their way about everything. And they are getting their way more and more as we continue to make concessions without any comparable action whatsoever from the other side.

I would rather to do it with an agreement with the President. And I think we can accomplish more by that approach and better protect our country than we can by adopting this proposed ambiguous amendment.

Mr. McGEE. Mr. President—

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield to the Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, if the majority leader's decision holds that the vote will be outside the executive session, I suggest to the majority leader that he declassify the executive hearing.

I think it would appear rather foolish to the American public to have the result of a vote without being able to read what we were voting on and all of the argument and debate.

I say this with all due respect. Frankly, outside of [deleted] there is nothing that could not be declassified.

I suggest to the majority leader that in the interest of the country, if we have a public vote, the record should be made public. If it has to be sanitized, let it be sanitized.

I think that too many things have been said today that have long needed saying. I think the American public would be encouraged and strengthened if it could read some of the remarks that have been made, even if we have to delete some of the numbers and make some declassification, and I would hope that the majority leader would take the proper steps to see that the record, as we have listened to it today, will be made available to the public.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. We will follow the usual procedure agreed to by the Senate on all previous occasions in which we have been in executive session, by means of which it will be up to the chairman of the committee in charge of the bill—to wit, in this instance, the distinguished senior Senator from Louisiana (Mr. ELLENDER)—to approve, to sanitize and to clear the final version, just as it was up to the distinguished Senator from Mississippi (Mr. STENNIS) when a similar occurrence arose during the consideration of the defense authorization bill.

So far as I am concerned, I believe that the Senator from Louisiana will not be picayunish, that he will be pretty broad in allowing what can get through. Frankly, I have heard nothing in this executive session which I think should be kept secret, but I think the precedents of the Senate should be and must be upheld, and we will leave the final determination as to what the sanitization

is to the distinguished Senator from Louisiana.

While I have the floor, let me say that I have been listening with interest to the arguments against the language in the Cooper amendment. "Ambiguous" does not get to the point. We ought to be more definite; we ought to be more clear.

May I point out that one amendment to the amendment offered is as follows:

None of the funds appropriated by this Act shall be used for ground forces in Laos or Thailand except to provide supplies, materiel, equipment, and facilities, including maintenance thereof, for the support of local forces or to provide training for such local forces.

The effect of that would be to put U.S. combat troops in Laos.

So I think there is something to be said for ambiguous language, and there is a great deal more to be said for the intent of the Senate.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. TOWER. I suggest that the Senate resolve itself back into open session. I think that way we will bring this matter to a conclusion a little earlier.

Mr. MANSFIELD. We will.

Mr. CASE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CASE. I wish to express agreement with the conclusion just stated by the majority leader. The language is ambiguous. Our beloved colleague, the Senator from Kentucky, has a very subtle mind, and so does our majority leader.

Mr. MANSFIELD. Not I.

Mr. CASE. The Senator from Montana has. This is said very kindly. That language could be interpreted to exclude, as the Senator from Kentucky said in the statement the Senator from Montana read about it, it seems to me, air support. I do not think there is doubt about that. The Senator from Florida made that point. If by "combat troops" is going to be meant just ground combat troops, that is all right.

I am going to support the ambiguity, because I think any public statement we make is likely to get us into much worse trouble in the world than just repeating what we have said before. I think we can all agree on one thing: We are not going to have American foot soldiers go in there. Beyond that, I am not sure what this amendment would do, and I do not think it matters too much. But, on the basis that there is a great deal of ambiguity here as to exactly what may be permitted, so long as that one basic thing is excluded, that is the medicine we had better take today.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. THURMOND. Mr. President, I feel very strongly about the words uttered by the distinguished Senator from Florida and the distinguished Senator from Arkansas about what constitutes the proper course for us to follow. I have been to Vietnam. I have firm convictions about the matter. I am of the opinion that we could have won the war long ago, and should have done it, and we are fighting

the war in Vietnam now because we did not win in Korea. If we do not win this war, we will fight again.

The Senator is just as right as he can be when he says we should not go into a war until we have to; that once we get into a war, we ought to win it. But that is beside the point at this time.

The question now before the American people is, what course can we, the Senate of the United States, follow to help to bring the war in Vietnam to a close as soon as possible?

I am convinced that any words we utter or any action we take indicating division in this country will tend to extend the war. I am convinced that the moratorium march in Washington opposing the Vietnam war helped to extend the war, because it showed a division in this country. Other similar demonstrations will do the same.

I am firmly of the opinion that we should table this motion, as the Senator from Wyoming indicated he would like to do, and leave this matter with the President. Let the leaders of the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations confer with the President. If they cannot work something out, then the Senate can consider any other action.

I should think that the best thing to do today would be to stand behind our President and show unity. I hope the Senate will follow that course.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from California.

Mr. MURPHY. Mr. President, I have sat quietly in the background, and I have listened attentively. With all due respect to the majority leader, I think the mere fact of the amount of time we have been discussing the meaning of the amendment is evidence enough that there is a misunderstanding.

I do not think there is any great division of opinion as to what happened in the Gulf of Tonkin. I do not think there is any great division—I do not see how there can be—among those who have read the record, that the entire involvement in Vietnam has been a series of mistakes. The involvement in Korea began with a mistake, and then we went on from one mistake to another.

I think the distinguished Senator from Arkansas made a very wise statement when he said that we ought to try to find our way out of this morass. I do not think we accomplish anything by permitting any thought or feeling or word to come out of the Senate which would further confuse or further divide the American people.

I do not think anyone in this Chamber does not know and understand that contrived confusion, division, and polarization has been the most important tactic of the enemy for at least the past 2 years.

So I would say that two things occur: First, we are talking about a condition that I am not sure really needs our attention at this time. The President of the United States, who has done more to get us out, who, I think we all agree, is trying sincerely to bring it to an end, has said

that there will be no more Vietnams. I think we can trust him. Until we find out to the contrary, I believe we should trust him. So I do not think it needs any embellishment on our part.

As the Senator from Arkansas (Mr. McCLELLAN) has suggested, I think that perhaps there should be a policy, an arrangement, an agreement, whereby, before this ever happens again, the legislative and the executive branches would sit down together. I can envision circumstances in which, if the debate went on as long as this debate has gone on, as to possible action needed, the action might be lost before our decision was made. This is perhaps one of the reasons why, at the outset, the Chief Executive was charged with these matters.

I would suggest that we be very cautious. First of all, we should find out exactly what we want to accomplish and make sure we are doing it. I must say that, after listening attentively to all the explanations and to all the divisions of opinion, I am not certain what might result. I do not want any more American troops to go anywhere to fight.

But I also do not want to signal to the enemy, who are watching carefully, who are listening carefully, who are very sensitive, and in these matters of attempting to divide our citizens, adept. They are experts. They have played the propaganda game successfully for 35 years. I know something about it; I have studied it.

They are wondering what we are saying here and how to use it to their advantage. Senators know as well as I know that there is not anything they do that is not motivated from political considerations, including their military activities. It is always planned for political effect and it always has been. If we are going to vote on this matter in public, I assume we will have a discussion and an opportunity to be heard in public; and that we will have an opportunity to vote on a resolution under which there will be no question as to what is the exact meaning. Before we vote in public I hope we all take into full consideration what we would be accomplishing with regard to the general welfare, future, and safety of our country, to make certain we will never again be hoodwinked by something like the Gulf of Tonkin resolution.

I think we have talked a long time, and I think everybody understands the matter quite well. I would be perfectly happy if we could get on to other matters.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, however, I want to say the Senator from Montana knows exactly what he intends with his resolution. It is perfectly plain to anyone who wants to understand it. We have, of course, many different types of people and many different schools of thought in this country.

We have those who want to get out of Vietnam precipitately, regardless of the cost; we have those who want to go on expanding the war until victory is achieved, regardless of the cost in lives and dollars; and, then, we have those

who believe that peace can be restored in Southeast Asia if we approach the subject in a sensible manner with a gradual withdrawal, such as President Nixon is now attempting to do.

I just want to say if there are any misunderstandings about the Senator from Montana or the Senator from Kentucky, they can be applied equally against the President of the United States who is trying to bring about peace over there and to do away with the excessive expense and who, I judge, is opposed to war for the sake of war.

Mr. McCLELLAN. Mr. President, I posed the question in my previous remarks. Can anyone answer it, primarily the leadership on either side and the chairman of the Committee on Foreign Relations that has jurisdiction over these matters. I would like to know whether the President has been consulted with respect to any plan to put any ground troops into Laos?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I come back to the question: Why cannot this matter be resolved simply by an understanding with the President that it will not be done except that he comes to the Congress for approval?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. It seems to me if that has not been done, to take this action precipitately is somewhat an affront to the President.

I trust the President. I agree with the distinguished Senator from Vermont that he is doing everything he can to get us out of the Vietnam situation. I think he is acting in good faith. I hate to vote for something here that I think would cast an aspersion or reflection that the Senate doubts the President's good faith. It has not been done; I know of no threat to put ground troops in there. Why then should we take this proposed action?

It seems to me a simple conference, a simple communication between the leadership of this body and the President, and his response thereto would be sufficient to allay this whole issue.

We can put our confidence in that approach and that is the way we should operate. If we must have a vote on this resolution, I cannot support it in its present form.

The President said that we are not going to have any more Vietnams. I trust him, but if we have any doubt, why not contact him and get an assurance we could all accept and rely on.

Mr. McGEE. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, no Senator raised any question about mistrust of the President, nor should any Senator do so.

What we are trying to do in this amendment is support the President, who has said that he will not send ground combat troops into Laos. His words have been backed up by his Secretary of State, who said, in response to a question concerning the possibility of being involved in Laos on a ground combat basis:

The President won't let it happen.

Continuing, Secretary of State Rogers said:

I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

I applaud the Secretary of State and the President of the United States for their statements, sentiments, and intent. But I remind Senators that we are a part of this Government, too, and that we share a part of the blame, a good part, for getting involved in Vietnam.

I would hope we would get behind this resolution which means something and is meant to be helpful to the President so that we can put into effect what we decided to do in our national commitments resolution.

Mr. McGEE. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, first, I wish to make the record clear so that the record is not confused. In the remarks of the Senator from South Carolina, and I believe one other Senator, I do not believe he said, "distinguished senior Senator from Arkansas" but he should have.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. THURMOND. I meant senior Senator from Arkansas.

Mr. FULBRIGHT. I just wanted to make clear that he was referring to the senior Senator.

With respect to the matter of trusting the President, certainly I did not wish to raise that question. The Senator from Montana put it on a proper basis. This is a constitutional question and the Senate has a role to play. I say once more the purpose of my actions here today was to inform the Senate so that we could play that role with full information about what we are doing in this area.

However, it does not seem to me this question of trusting the President should be brought up in this fashion. I supported very strongly the previous President, President Johnson. He ran on a platform in 1964 of no wider war. The Senator from Arizona will recall the nature of that perhaps a little better than I. I supported President Johnson. One of the issues, and I believe the Senator from Arizona will agree, was "no wider war."

President Johnson said throughout the summer and early fall of 1964 that he was against a wider war.

I believe the Senator from Arizona did advocate some of the things that were later done by President Johnson.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. In his heart he knew I was right.

Mr. FULBRIGHT. As I look back upon it, I believe you were, too. Anyway, I did not support the Senator from Arizona. I supported the Democratic nominee. We know what happened.

As far as the nominee making a commitment that he is going to follow a particular policy in a war, I do not believe President Johnson followed what he

made me believe was his policy. I do not believe the Founding Fathers intended our system to mean the Senate should ask the President what he means about something and take his word for it.

We should not have this complicated system unless the three branches play their respective roles. There is nothing wrong with our understanding of the words in the amendment of the Senator from Montana. I shall support it. It is intended to be a limitation of the present program.

I wish to refer to the point made by my senior colleague on going all out in the war. I agree with him. I do not believe that we should get into a war when it is not sufficiently clear that the national interest is involved, and there is no question that we will go all out to win it. It would be a terrible mistake to get into a war in which one is ambivalent in his attitude toward going all out in a war.

Why did not President Johnson go all out? I can guarantee that I was not one of his advisers during the period when he was refusing to go all out. He did not consult me from about September 1965 until December a year ago. It was not done on my advice. Why did he not go all out? I think one of the reasons was that he was doubtful about the validity of the war he had undertaken. I do not know why he did not go all out. In World War II, we went all out for unconditional surrender. We won that war.

It is of course true that the previous administration over a full 3 or 4 years refused to go all out, which is the traditional way. There must have been some reason for it. Not only was it a disaster for the country, but it also discredited the President himself. Clearly he was not out to discredit himself. He of course did not wish to bring about a situation in which he could not run for election again. That is unprecedented in our history. But it does raise the question that maybe the war was ill founded and maybe it was not justified in the first place. In the present circumstances we face, I believe that we support the President's objective. The only difference that I know of in most people's minds is not the President's objective, but whether the means he has adopted to achieve the objective are calculated to do so, this is an instance in which we can have honest differences of opinion. I certainly do not disagree with the announced objective of the President, but I do not think it disloyal or un-American to suggest that the policy he is following is not likely to achieve his objective. It is purely a matter of judgment.

I should like to do anything I can to help him achieve his announced objective. I think that this particular amendment, the amendment of the Senator from Kentucky and the Senator from Montana, would certainly strengthen his hand to resist if pressure is put upon him to widen the war and to make it more difficult for him not to withdraw and to conclude, I would say, the tragic war in South Vietnam.

Mr. McGEE. Mr. President, the deliberations of this body this afternoon have been of such a constructive nature,

it seems to me, that it underscores and reinforces the constitutional role of this body in the projection of foreign policy intents and directions. I think the question that remains is whether the message has been delivered and I can see no reason to doubt that the message has come through loud and clear, and no doubt has been heard downtown for some time.

I fail to see what more in the form of a public resolution it could achieve that the President has not already heard on that question.

Therefore, Mr. President, in that context, I am resuming my motion to table the pending resolution.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I move that the Senate return to—

The PRESIDING OFFICER. The motion is not debatable.

Mr. ALLOTT. Mr. President, I was going to ask if the Senator from Wyoming would withhold his motion for a moment.

Mr. McGEE. How much time does the Senator from Colorado need?

Mr. ALLOTT. One minute.

Mr. McGEE. I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Wyoming would have to ask unanimous consent—

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wyoming (Mr. McGEE) may yield to the Senator from Colorado (Mr. ALLOTT) for 1 minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, all I wanted to say was that I believe we are in basic accord. I was going to suggest to the majority leader that we might be able to come out with a positive resolution affirming the decision of the President not to use U.S. combat troops in Vietnam. In this way we would solidify the country and solidify the sense of the Senate not to denigrate our own position in our joint responsibility, and also not feed the fuel of Communist propaganda around the world.

Mr. McGEE. Mr. President, I ask unanimous consent that I may yield 15 seconds to the Senator from Washington (Mr. MAGNUSON) in order to make an announcement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, this is the only way I can get hold of the members of my committee to say that I was not going to have a meeting if this is going to continue much longer. I am hopeful that we can continue the HEW appropriations meeting when we get through with the vote. I am sure that we can at least clean up or at least finish was not going to have a meeting if this is general provisions.

Mr. MANSFIELD, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. MANSFIELD, Mr. President, I move that the Senate return to legislative, open session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and, thereupon, at 4:27 o'clock p.m. the doors of the Chamber were opened, and the open session of the Senate was resumed.

FANNIN NOTES INDUSTRY PROBLEM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. STEIGER of Arizona. Mr. Speaker, in the midst of an extremely difficult inflationary situation it is ironic that we are also facing an international trade problem of such burgeoning proportions that it may threaten our domestic economy.

In last Sunday's Arizona Republic, business and financial editor Don Campbell printed an interview with Arizona's Senator PAUL FANNIN outlining the scope of this problem and some of the actions which must be taken if a trade crisis is to be avoided.

Senator FANNIN notes some of the complexities which have gotten us into our current international logjam and puts forth some interesting and innovative ideas on how the problem may be attacked.

Mr. Speaker, I include the article to which I have referred, which appeared in the Arizona Republic on Sunday, January 18, in the RECORD at this point:

INDUSTRY AT THE CROSSROADS?—IMPLACABLE PINNERS OF SOARING COSTS, LOW TARIFFS STRANGLING MANUFACTURERS IN THE MARKETPLACE

(By Don G. Campbell)

With the possible exception of performing brain surgery in the back of a truck camper while negotiating the Coronado Trail, few things come quite so close to sheer impossibility as that of understanding our tariff laws.

And yet, ironically, few international arrangements strike so decisively at the man-in-the-street's pocketbook and arouse so much emotionalism as this complex network of duties that each country erects to protect its domestic commodities and products from imports.

Ideally, of course, all countries should be so constituted that tariffs wouldn't be necessary and there would be, literally, "free trade" with everyone competing—no strings attached—with everyone else. But life is one thing, art is another, and free trade is an art that is as elusive today as it was when international commerce began.

The fact that the United States is, day by day, getting into an increasingly critical position in its foreign trade is no particular secret, but very complexity of how we got into our current jam helps to obscure the seriousness of it. As our production costs soar, the fewer goods we sell overseas. The fewer goods we sell overseas, the more jobs are lost domestically.

And, at the same time, the more foreign markets we lose, the more American manufacturers are tempted to move some of their operations abroad to compete more evenly. The result: the loss of even more jobs here in the United States.

One of the more vocal advocates of taking action in this area before the damage is irreversible is Arizona's senior U.S. Senator, Paul J. Fannin, whose concern is underscored by the fact that Arizona's role as a foreign exporter is growing by leaps and bounds—up to \$98.2 million in 1966 (the latest year available), exclusive of agricultural items, from \$33 million just six years earlier. It was in 1966 that Arizona finally nosed Colorado out of the No. 1 spot in exports among the Mountain States.

The key to the crisis, Sen. Fannin said this past week in an interview, is the inflationary cycle in the United States and, in particular, the soaring cost of labor—which, since 1965, has risen at twice the rate of output per man hour.

As a case in point, Sen. Fannin cites the disparity between labor costs among the major auto producing countries. In the United States, according to Fannin's figures, labor costs in the industry amount to about \$3.31 an hour as against:

Argentina, \$1.19; Australia, \$1.92; Brazil, \$0.98; Germany, \$2.20; Italy, \$1.99; Japan, \$1.40; Mexico, \$2.04; South Africa, \$1.06; United Kingdom, \$1.57.

Undoubtedly, too, Fannin feels, labor considerations are also the prime factor in the explosive growth of imports currently crippling the domestic shoe industry. As recently as 1959, for instance, shoe imports equaled only 3.5 per cent of U.S. shoe production but, last year, they equaled 37.5 per cent of it, and the industry estimates that by 1975 one out of every two pairs of shoes sold in the United States will be foreign made.

The industry, Fannin said, also reckons that for every 10 million shoes imported (and there were 200 million of them in 1969), there are roughly 3,000 job opportunities lost for domestic shoe workers.

Hurt even more, of course, is the consumer electronic industry. Of the total market of 12.5 million television sets last year, for instance, a full 4.2 million of them, 33 per cent, came from abroad. The industry estimates that the import share of this will rise to 43 per cent of the market in the current year.

In the case of tape instruments, the battle already has been decisively lost—a full 10.8 million of the 11.9 million tape machines sold last year, 90 per cent—were imported. This year, the industry expects the import share of the market to rise to 92 per cent.

But, while "Cheap foreign labor" is the traditional rallying cry of the protectionists, Fannin said, the whole problem is a bit more complex than that. The disparity in labor costs, is further complicated by unfavorable tariff structures coming out of the "Kennedy Round" of tariff negotiations—a drastic reduction in the tariffs on about 100,000 products involved in world trade and a move that was decidedly overdue.

The negotiations were the result of congressional action in 1963 giving the late President the authority to slash import duties up to 50 per cent across the board. The knotty details of the authorization, however, kept all 48 nations involved in the matter busy clear up until it was finally signed into law on Nov. 13, 1967.

"The trouble is," Sen. Fannin said, "that the tariffs worked out were supposed to even up the productive capacities of the countries involved. Countries like Mexico, with a much lower productive capacity than the United States, were protected from a flood of imports with relatively high tariffs."

The trouble is, the Arizona senator said, the situation changed quickly and, by the time the nonstop negotiations on the Kennedy Round had been completed, the pro-

ductivity capacity of such countries as Japan and Germany had drastically changed—they no longer needed the "protection" that the high tariff still gave them.

Meanwhile, of course, inflation in the United States had continued at a dizzy pace and—between soaring costs and disadvantageous tariff barriers—American goods were rapidly being priced out of the market. (In France, for instance, tariffs are based on "horsepower units" which makes the duty on a Volkswagen only \$16 while on a Chevy II, with only twice the "horsepower units," the duty is \$180.)

In order to sell abroad, at all, then, American manufacturers have been fleeing to such free-port assembly zones as Mexican border, Taiwan and Singapore—not merely to pick up lower priced labor, but to execute an end-run around the tariff barriers, too. The result: plants that should be built in the United States ("You can train an American Indian," Sen. Fannin said, "to assemble a part just as easily as you can teach a Korean.") are being built abroad and staffed by foreigners.

By the end of 1970, the electronic industry estimates, all but two of the major American manufacturers will be importing complete TV sets, or substantially finished chassis, from their own foreign plants for sales in the United States.

No one, Fannin said, wants to try to counter this by launching a drive for a return to the isolationistic high tariffs associated with the disastrous Smoot-Hawley Tariff Act of 1931 which would simply result in retaliatory tariffs around the world, shutting us completely out of all markets.

The solution, Arizona's senior senator believes, has to be a return to realism on the part of organized labor in the United States, plus legislation that would give American industries the same incentives for building plants in the United States as they now have for building them abroad.

"I don't see how labor can take much satisfaction in getting workers a \$5-an-hour scale," Fannin said, "if there aren't any jobs to be filled—and that's the direction we're going."

Currently under study by the Treasury Department, he added, is proposed legislation that he has drafted that would domesticate some of the incentives—such as tax deferments on funds reinvested in plants—that American manufacturers now enjoy in setting up foreign subsidiaries.

But the time is short, and the squeeze is rapidly becoming a stranglehold.

J. EDGAR HOOVER, PATRIOT

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, the Albany Herald, a distinguished newspaper in my district, on January 5, 1970, paid a most deserved tribute to one of America's most dedicated and respected public servants, Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

A little over 5 years ago this body unanimously adopted a resolution expressing the hope that Mr. Hoover would "continue in his present office for many years to come." I would like to reiterate that hope now.

Mr. Speaker, I include in the RECORD the editorial entitled "J. Edgar Hoover, Patriot":